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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,614	01/30/2004	Robert G. DeMoor	TI-35548	6753
23494 7590 07/09/2009 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				
EXAMINER LE, TUAN H				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 07/09/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

Office Action Summary**Application No.**

10/768,614

Applicant(s)

DEMOOR, ROBERT G.

Examiner

TUAN H. LE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/09 has been entered.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1/ Claims 1-3, 8-9, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavelle (US 6,362,851 to Lavelle et al).

Regarding **claim 1**, Lavelle discloses

a digital camera (Fig. 1) comprising:

a photosensitive region (CCD) for recording an optical image of a human subject (Lavelle, Fig. 1, Abstract);

a controllable shutter (inherent part) for exposing the photosensitive region (Lavelle, column 26, lines 31-35, wherein the shutter speed varies between 1/30 and 1/175 second);

a timer (timer 290), the timer providing a selected time delay between simulated optical image acquisition and an actual optical image acquisition, wherein the simulation simulates the optical image acquisition without actually

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acquiring the image (Lavelle, Fig. 9b, column 8 lines 26-41, wherein a user can select no delay, ten seconds, or twenty seconds for shutter delay before an image is taken; also simulation of optical image acquisition happens during shutter delay).

Regarding **claim 2**, Lavelle discloses aforementioned limitations of the parent claim. Additionally, Lavelle discloses

simulated image acquisition is accompanied by sounds of typical shutter operation (Lavelle, it is inherent that sounds are generated during shutter operation).

Regarding **claim 3**, Lavelle discloses aforementioned limitations of the parent claim. Additionally, Lavelle discloses

a flash mechanism, the flash mechanism receiving low-power activation during the simulated image acquisition (Lavelle, column 8 lines 18-25, wherein the flash is in automatic flash).

Regarding **claim 8**, same ground of rejection as in claim 1 is applied.

Regarding **claim 9**, Lavelle discloses aforementioned limitations of the parent claim. Additionally, Lavelle discloses

simulating the acquisition of an image of the subject includes providing the sights and sounds associated with the acquisition of an image of the subject by the digital camera (Lavelle, Fig. 9b, column 8 lines 26-41, wherein the led 390 blinks and the beeper sounds once per second for the final five seconds.)

Regarding **claim 13**, Lavelle discloses all of the limitations of the parent claim. Additionally, Lavelle discloses

a first mode of operation (no shutter delay), the digital camera in the first mode acquiring an image of the subject in response to user input in the first mode of operation (Lavelle, Fig. 9b, column 8 lines 26-41, wherein a user can select no delay for shutter delay before an image is taken); and

a second mode of operation (10 or 20 seconds for shutter delay), the digital camera simulating acquiring an image of the subject in response to user input in the second mode of operation, the digital camera acquiring an image at a pre-selected time after simulating acquiring image (Lavelle, Fig. 9b, column 8 lines 26-41, wherein a user can select ten seconds or twenty seconds for shutter delay before an image is taken; also simulation of optical image acquisition happens during shutter delay).

Regarding **claim 14**, Lavelle discloses all of the limitations of the parent claim. Additionally, Lavelle discloses

a first mode of operation (no shutter delay), the digital camera acquiring an image of the subject in response to user input in the first mode of operation (Lavelle, Fig. 9b, column 8 lines 26-41, wherein a user can select no delay for shutter delay before an image is taken); and

a second mode of operation (10 or 20 seconds for shutter delay), the digital camera selecting for acquisition an image of the subject having predetermined features (Lavelle, Fig. 9b, column 8 lines 26-41, wherein a user can select ten seconds or twenty seconds for shutter delay before an image with predetermined features is taken).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2/ Claims 10-12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavelle (US 6,362,851 to Lavelle et al) in view of Chatani et al (U.S. Pub. 2004/0075743 A1).

Regarding **claim 10**, Lavelle discloses aforementioned limitations of the parent claims.

However, Lavelle does not disclose

providing a program associated with a processing unit for identifying the predetermined features;

acquiring a series of images and applying the images to the processing unit; and

analyzing the images using the program.

On the other hand, Chatani et al discloses

providing a program associated with a processing unit (306) for identifying the predetermined features (see Chatani et al, Fig. 3, paragraph [0012], wherein a computer program obtains image selection parameters);

acquiring a series of images and applying the images to the processing unit (see Chatani et al, paragraph [0011], wherein the imaging device is capable of capturing image data for a plurality of digital images); and

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analyzing the images using the program, (see Chatani et al, Fig. 8 step 808, wherein subset of images with specified parameters is generated).

Therefore, it would have been obvious to an artisan to combine image analysis by using the program as disclosed by Chatani et al with the method as disclosed by Lavelle in order to analyze a series of images because such combination provides automatic selection of digital photographs based on user provided criteria and allows user to preview images under various conditions, (Chatani et al, paragraph [0009]).

As for **claim 11**, as previously mentioned in the discussion of claim 10, Lavelle and Chatani et al disclose all of the limitations of the parent claim. In addition, Chatani et al discloses that the first image in which the predetermined feature is identified is stored, (see Chatani et al, Fig. 4, wherein image in the buffer 410 is stored in memory 412).

As for **claim 12**, as previously mentioned in the discussion of claim 10, Lavelle and Chatanie et al discloses all of the limitations of the parent claim. In addition, Chatani et al discloses that the acquiring of a series images is provided in response to signals from a timing unit (see Chatanie et al, paragraphs [0007] and [0011], wherein multiple images are capture in high rate photography).

Regarding **claim 15**, Lavelle discloses all of the limitations of the parent claim. However, Lavelle does not disclose

the predetermined features are determined by a pattern recognition program

On the other hand, Wada discloses

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the predetermined features are determined by a pattern recognition program (see Chatanie et al, paragraphs [0011] and [0012], wherein image selection parameters are entered).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with specified parameter as described by Chatanie et al with the digital camera as described by Lavelle in order to selectively store desired images because such combination saves time to search through a whole image database for a certain image.

Regarding **claim 16**, Lavelle discloses all of the limitations of the parent claim. However, Lavelle does not disclose

the predetermined features are facial expression.

On the other hand, Wada discloses

the predetermined features are facial expression (see Chatani et al, paragraph [0053], wherein semantic parameters include closed eyes, crossed eye)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with semantic parameters as described by Chatanie et al with the digital camera as described by Lavelle in order to selectively store desired images because such combination saves time to search through a whole image database for a certain image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. LE whose telephone number is

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(571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

/Tuan H Le/
Examiner, Art Unit 2622